

SPORTSMEN_{FOR}

Responsible Energy Development

June 30, 2010

The Honorable Mike Arcuri
U.S. House of Representatives
127 Cannon HOB
Washington, DC 20515

**Re: Sportsmen's Support for Amendment to Restore Clean Water Act Protections
for Stormwater Associated With Oil and Gas Development**

Dear Congressman Arcuri:

On behalf of hunters and anglers across the country who wish to see energy development conducted in a way that protects fish and wildlife habitat, we write to thank you for introducing an amendment to help reduce sedimentation associated with construction activities for oil and gas development by removing the industry's exemption to the Clean Water Act's stormwater provisions.

At least 15 different direct negative effects from sedimentation have been demonstrated to impact trout and salmon, ranging from stress, altered behavior, reductions in growth and direct mortality. For example, suspended sediment blocks light, affecting feeding and movement of fish, and causes direct gill damage that may lead to death under high enough concentrations. Excessive sediment on the stream bottom can act as a barrier to the emergence of fry or prevent proper water and oxygen flow to incubating eggs.¹ Sedimentation also affects aquatic insect communities, which are essential components of aquatic ecosystems.

Effectively controlling sedimentation from oil and gas development is critical to preventing such impacts to fisheries. Again, we thank you for addressing this need by introducing this amendment, and we look forward to working with you as the bill progresses.

Sincerely,

Keith Curley

Todd Keller

Tom Franklin

Trout Unlimited

National Wildlife Federation

Theodore Roosevelt
Conservation Partnership

¹ Lloyd, D.S. 1987. Turbidity as a water quality standard for salmonid habitats in Alaska. Pages 34-35. *North American Journal of Fisheries Management*. American Fisheries Society. Bethesda, MD



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June 30, 2010

The Honorable Mike Arcuri
U.S. House of Representatives
127 Cannon House Office Building
Washington, DC 20515

Dear Congressman Arcuri:

On behalf of our millions of members and supporters across the country, we write in support of your amendment to H.R 5629, the "Oil Spill Accountability and Environmental Protection Act of 2010," repealing section 323 of Energy Policy Act of 2009 (P.L. 109-58). This amendment will close a loophole in the Clean Water Act that allows oil and gas companies to construct drilling pads and related roads and other infrastructure without a normally required CWA construction stormwater permit, endangering aquatic ecosystems and the fish and wildlife dependent upon them.

The BP oil spill clearly demonstrated that we need more rigorous safety and environmental oversight of oil and gas practices. A first critical step is making sure the industry is subject to the same environmental laws that apply to all other businesses and Americans. Your amendment would simply close a loophole added by Congress in the wake of the Cheney Energy Task Force that has had the effect of putting communities and the environment at risk.

Specifically. By closing this loophole you would ensure review of oil and gas construction activities and minimize the extent to which sediment is carried by stormwater into streams and lakes. Such runoff degrades the quality of water for drinking, aquatic habitat, and outdoor recreation. Increased turbidity from sediment pollution also reduces water clarity, making it difficult for fish to forage, and stunting the growth of aquatic vegetation vital to healthy aquatic ecosystems. Fish gills can be clogged, reducing resistance to disease, lowering growth rates, and affecting fish egg and larvae development. Sediment also makes drinking water purification more costly and time consuming.

According to the Environmental Protection Agency (EPA) sediment pollution causes \$16 billion in environmental damage annually and is the most common pollutant in rivers, streams, lakes and reservoirs. The most concentrated sediment releases come from construction activities. Despite the demonstrated concern, the oil and gas industry has been exempt from the Clean Water Act permitting regime in which all other construction projects participate.

Your amendment would require permit review and stormwater pollution reduction measures and is a critical measure to protect public health, wildlife and the environment. We thank you for your work on this critical issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Lyon". The signature is stylized with a large, sweeping initial "J" and a cursive "Lyon".

Jim Lyon
Vice President for Conservation Policy
National Wildlife Federation



EARTHJUSTICE

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NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

June 30, 2010

The Honorable Mike Arcuri
U.S. House of Representatives
127 Cannon House Office Building
Washington, DC 20515

Dear Congressman Arcuri:

We write today in support of your amendment to H.R. 5629 – the “Oil Spill Accountability and Environmental Protection Act of 2010” to close an oil and gas loophole in the Clean Water Act. Under current law, oil and gas facility construction is exempt from the Clean Water Act’s storm water pollution prevention program. This amendment takes the common sense step to repeal this exemption and require storm water permits for construction of oil and gas facilities and roads.

Oil and gas operations have been exempted from the storm water pollution prevention program since Congress added storm water protections to the Clean Water Act in 1987. In 2005, as part of the Energy Policy Act, oil and gas construction activities were extended this exemption. This amendment takes an important step towards restoring environmental protections to oil and gas development by repealing the 2005 exemption and requiring construction activity to comply with storm water provisions in the Clean Water Act.

Oil and gas development is a risky and environmentally damaging industry, and should not be exempted from any environmental laws. Instead, we should hold oil and gas to the same standards we hold other industries to. Each loophole oil and gas has to the law should be closed, and this amendment is an important step towards accomplishing that goal. Thank you for your work on this issue.

Sincerely,

Jessica Ennis
Legislative Associate
Earthjustice

**Allegheny Defense Project• American Rivers• Californians for Western
Wilderness• Clean Water Action• Delaware Riverkeeper Network• Denton
Citizens for Responsible• EARTHWORKS• Environmental Working
Group• Environment America• Natural Resources Defense Council•
Northeast Ohio Gas Accountability Project• North Fork Ranch Landowner's
Association• Sierra Club• Southern Environmental Law Center• Texas
OGAP• Upper Green River Alliance• Western Organization of Resource
Councils• The Wilderness Society**

The Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
United States House of Representatives
Washington, DC 20515

Dear Chairman Oberstar:

On behalf of the millions of members represented by our organizations, we write to urge your support for an amendment to the Oil Spill Accountability and Environmental Protection Act of 2010 offered by Congressman Arcuri. The amendment will close a special loophole for the oil and gas industry and protect our nation's waters from the erosion and sedimentation caused by the construction of new well pads, roads and pipelines. In 1987, Congress amended the Clean Water Act to require a storm water permit and storm water pollution prevention program for activities that can increase runoff of sediment and the risk of water pollution. Oil and gas operations received an exemption from this important permit requirement, and Congress later expanded this exemption in Section 323 of the Energy Policy Act of 2005 to include oil and gas construction activities. It is time to repeal Section 323 of the Energy Policy Act, as well as work towards closing the entire loophole for both operations and construction in the future.

If we have learned anything from the Deepwater Horizon disaster in the Gulf of Mexico, it is that fossil fuel development is inherently risky, and stringent laws and vigorous enforcement are needed to ensure that our precious water resources are not polluted. While other industrial activities must obtain a storm water permit under federal law, the oil and gas industry has been excused from this basic requirement. This exemption from the storm water portion of the Clean Water Act is just one of many exemptions from our environmental laws that the oil and gas industry enjoys. Yet we know that closing the loophole would not be a burden on industry, because the state of Colorado has already closed it, and not one company has complained that it has been a problem to comply. Runoff from oil and gas construction and operations is polluting streams in other states. With oil and gas drilling expanding across the country, the loophole needs to be closed at the federal level.

Well pads, roads, and other infrastructure strip the land of vegetation and channel large amounts of dirt into nearby streams and lakes. This sedimentation can impair valuable trout streams and other fishing resources, and causes numerous water pollution problems. The U.S. Environmental Protection Agency has reported that "siltation is the largest cause of impaired water quality in rivers." Oil and gas operations occur in more than 30 states, and the oil and gas industry's exemption from this portion of the Clean Water Act puts streams and rivers in all of those states at risk.

As BP's oil slick grows in the Gulf of Mexico, it's time to take action to protect all of America's waters -- offshore and onshore -- from future devastation. If drilling is to continue across the country, regulations must be strengthened and loopholes must be closed. As you consider legislation in the aftermath of the Deepwater Horizon oil disaster, we urge support for Congressman Arcuri's amendment to restore the intent of the Clean Water Act protections for oil and gas construction activities by repealing the permit exemption included in the Energy Policy Act of 2005.

Sincerely,

Ryan Talbott
Executive Director
Allegheny Defense Project

Jessie Thomas-Blate
Coordinator, Most Endangered Rivers
American Rivers

Michael J. Painter
Coordinator
Californians for Western Wilderness

Lynn Thorp
National Campaigns Coordinator
Clean Water Action

Tracy Carluccio
Deputy Director
Delaware Riverkeeper Network

Margarete Neale
Denton Citizens for Responsible
Urban Drilling

Gwen Lachelt
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EARTHWORKS Oil and Gas
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Dusty Horwitt
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Natural Resources Defense Council

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Tracy Dahl
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Jackie Kruszewski
Legislative Associate
Southern Environmental Law Center

Sharon Wilson
Organizer
Texas OGAP

Linda Baker
Director
Upper Green River Alliance

Sara Kendall
Washington DC Office Director
Western Organization of Resource
Councils

David Alberswerth
Senior Policy Advisor
The Wilderness Society